

REMARKS

The present application was filed on July 24, 2003 with Claims 1 through 43. Claims 1 through 43 are presently pending in the above-identified patent application. Claims 1, 14, 24 and 37 have been amended.

In the Office Action, the Examiner rejected Claims 1, 4-5, 24, and 27-28 under 35 U.S.C. § 102(b) as allegedly anticipated by Petersen et al. (United States Patent No. 5,802,051); rejected Claims 2-3, 9-12, 14-22, 25-26, 32-35, and 37-42 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and White et al. (United States Patent No. 6,392,664); rejected Claims 6 and 29 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and another Petersen et al. reference (United States Patent No. 5,809,023); rejected Claims 7-8 and 30-31 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and Saito et al. (United States Patent No. 5,909,428); rejected Claims 13 and 36 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and Williams (United States Patent No. 5,867,764); and rejected Claims 23 and 43 under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051, White et al., and Williams.

Applicants and applicants' undersigned representative thank Examiner Stokely-Collins for her efforts in preparing the instant office action. Applicants respectfully traverse each and every rejection of the Examiner, as applied to the amended claims. The amendment of the claims and the remarks set forth herein are presented in a sincere effort to advance the case to allowance.

Independent Claims 1, 14, 24 and 37

Claim 1 was rejected as allegedly anticipated by Petersen '051. Petersen '051 is directed to insertion of minicells into a larger ATM cell. Petersen '051 col. 8 lines 36-45. Each minicell has a header. Petersen '051 FIGS. 7A and 7B. Thus, Petersen '051 employs a complex process wherein there are two operations for breaking up data into, first, minicells, each with its own header, and then ATM cells.

Amended Claim 1 recites that first (higher priority) data is contained in the information section of the data object *without any data overhead portion associated with*

the first data in the information section. In one embodiment, shown in FIG. 2, the first data is real-time data 282 placed in information section 294 of cell 291. If there is space left over, lower priority data may be placed in the remaining portion of the information section 294; for example, non-real-time data 278, which may or may not have an associated data overhead portion 276. In any event, the first data 282 (for example, LSCP request 272 with op code 274) is placed directly in information section 294 without any data overhead portion.

Applicants' claimed invention, as claimed in Claim 1, is neither taught nor suggested by the complex system of Petersen '051, which requires the separate breaking down into minicells with each minicell having its own header within the payload portion of the larger ATM cell. Applicants claimed invention is simpler and more efficient, as not only is the separate step of forming minicells not required, but further, there is less wasting of bandwidth, as the first (high priority) data only has associated with it the overhead of the header portion of the data object, with no need for further overhead associated with the first data within the information section.

Since Petersen '051 neither teaches nor suggests all the limitations of Claim 1, it is respectfully submitted that the amended version of Claim 1 is patentable.

Claim 14 was rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and White et al. Claim 14 has been amended to include the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. As noted, Petersen '051 neither teaches nor suggests the identified limitation. White et al. simply discloses a conventional cable television system. Assuming, *arguendo*, that the proposed combination of Petersen '051 and White et al. is proper, even taken in combination, there is no teaching or suggestion of the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. Accordingly, it is respectfully submitted that the amended version of Claim 14 is patentable.

Claim 24 was rejected on the same rationale as was Claim 1. Claim 24 has been amended in a manner similar to Claim 1, and is thus patentable for at least the same reasons as Claim 1.

Claim 37 was rejected under 35 U.S.C. § 103(a) as allegedly obvious in view of a proposed combination of Petersen '051 and White et al. Claim 37 has been amended to include the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. As noted, Petersen '051 neither teaches nor suggests the identified limitation. White et al. simply discloses a conventional cable television system. Assuming, *arguendo*, that the proposed combination of Petersen '051 and White et al. is proper, even taken in combination, there is no teaching or suggestion of the limitation that the first data is contained in the information section of the data object without any data overhead portion associated with the first data in the information section. Accordingly, it is respectfully submitted that the amended version of Claim 37 is patentable.

Dependent Claims 2-13, 15-23, 25-36, and 38-43

All the dependent claims are patentable, since they depend on the independent claims, which are patentable for the reasons set forth above, and because they add further patentable limitations. Further, applicants respectfully note that none of the other references cited by the Examiner in rejecting the dependent claims, including Williams, Saito et al., or Petersen '023, whether taken alone or in any combination with any other reference(s) cited by the Examiner in rejecting the claims (assuming *arguendo* that any such combination would be proper), teach or suggest the claimed data object *without any data overhead portion associated with the first data in the information section*.

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Conclusion

All of the pending claims following entry of the amendments, i e., Claims 1-43, are in condition for allowance and such favorable action is respectfully and earnestly solicited.

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

The Examiner's attention to this matter is greatly appreciated

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Respectfully submitted,



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